

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I. – PROPOSED ACTION

BLM Office: Tucson Field Office

NEPA No.: G020-2014-0015-CX

Case File No.: AZA 26783

Proposed Action Title/Type: Road Right-Of-Way Renewal - Categorical Exclusion

Applicant: William Arlt

Location of Proposed Action: T.23S, R.24E, Sec. 4, Lot 7 G&SRM; (31.46/-109.92); Approximately 1 mile north of the town of Bisbee, AZ

Description of Proposed Action: Proposed action is to provide physical and legal access over public land to private land using an existing road. Access to the applicant's private land has been granted on a previous Right-of-Way grant, which expired on October 6, 2012.

On October 2, 1992, a Right-Of-Way (ROW) for access was granted to Mr. Lynn Andersen. The length of the road is 1,600 feet and the width is 12 feet and approximately 0.41 acres. On October 7, 1992, Mr. Andersen filed an assignment request. An application for assignment of this ROW was filed by William Arlt with concurrence from Mr. Lynn Andersen. All requirements of the assignment were met and the ROW was assigned to William Arlt on November 17, 1992. This ROW expired on October 6, 2012. Mr. Arlt filed a renewal application on December 28, 2012. His application indicates a desire to continue use of the ROW as it presently exists on the ground. The access road is north of the town of Bisbee. The ROW allows for ingress and egress over public land known as the Brewery Gulch Road, extending from the end of Zacatecas Canyon extension of Brewery Avenue to the applicant's private land. The proposed action qualifies as a CX under Departmental Manual 516, 11.9, Appendix 4 E.9 that reads, "Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization". The Safford District Office initiated EA AZ-040-02-46. A consultant did an on the ground cultural resource survey in 1992 in the immediate area of the road. Although archaeological and historical remains were found, it was determined by the Arizona State Historic Preservation Officer that the issuance of the ROW grant would not have any adverse effect on the findings. The EA was signed by the Safford Area Manager on October 2, 1992. On May 7, 2014, the Tucson Field Office Archaeologist did a review and records search on cultural issues of the area, and has attached recommended stipulations. An active & authorized record search was done. There are no active mining claims. The area is located within the Susnow Grazing Allotment. however the allotment is not foreseen to be an issue for the ROW or vice-versa. A wildlife survey for threatened and endangered species was conducted on June 4, 2014, and no species of concern were encountered. The grant will be issued for a twenty year term with the right of renewal.

Special stipulations regarding cultural resources and maintenance of the road will remain as part of the Right-of-Way renewal. This ROW is authorized under Title V of FLPMA.

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): This proposed action conforms to the following land use plan: Safford District Resource Management Plan (RMP).

Decisions and page nos.: Page 22: "Rights-of-Way, leases and permits will be considered on a case-by-case basis, in accordance with the decision of the Resource Management Plan."

Date plan approved/amended: Record of Decision approved September 1992 and amended July 1994.

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 Appendix 4 E.9:

Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations. ;

And

B. Extraordinary Circumstances Review: In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

Part IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS:

DATE:

NEPA Team Members	April 14, 2014
Leslie Uhr - Realty Specialist Trainee	6/1/14
Linda Dunlavey - Realty Specialist	6/1/14
Amy Sobiech - Archaeologist	5/7/14
Heather Swanson - Natural Resource Specialist	6/4/14

/s/ Amy Markstein
PLANNING & ENVIRONMENTAL SPECIALIST

6/5/14
DATE

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:

(a) Have significant impacts on public health or safety.

Yes	No X	Rationale: The road ROW was issued in 1992 and no significant environmental effects have resulted. Preparer's Initials <u>lau</u>
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<p>(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.</p>		
Yes	No X	<p>Rationale: No such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; and other ecologically significant or critical areas exist in the affected environment nor would any of these resources be impacted. There are no occurrences of BLM sensitive or State listed species within the project area.</p> <p style="text-align: right;">Preparer's Initials <u>lau</u></p>
<p>(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].</p>		
Yes	No X	<p>Rationale: The proposed action is not controversial nor are there any unresolved conflicts concerning alternative uses of available resources.</p> <p style="text-align: right;">Preparer's Initials <u>lau</u></p>
<p>(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>		
Yes	No X	<p>Rationale: The road ROW grant was issued in 1992 and no significant environmental effects have resulted.</p> <p style="text-align: right;">Preparer's Initials <u>lau</u></p>
<p>(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.</p>		
Yes	No X	<p>Rationale: Any additional proposals would be analyzed and a separate decision would be arrived at based on the analysis.</p> <p style="text-align: right;">Preparer's Initials <u>lau</u></p>

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	Rationale: The effects of the proposed grant would be limited to the existing grant. <div style="text-align: right;">Preparer's Initials <u>lau</u></div>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No X	Rationale: It has been determined by the Arizona State Historic Preservation Officer that the issuance of this ROW grant will not have any adverse effect. Stipulations regarding cultural resources are included. <div style="text-align: right;">Preparer's Initials <u>lau</u></div>
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	No X	Rationale: No listed species or species proposed to be listed are found within the affected environment for the proposed action. Stipulations shall be required in order to protect species and habitat. <div style="text-align: right;">Preparer's Initials <u>lau</u></div>
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No X	Rationale: No laws or requirements imposed for the protection of the environment would be violated. <div style="text-align: right;">Preparer's Initials <u>lau</u></div>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	Rationale: The effects to the population as a whole resulting from the proposed action would be the same. <div style="text-align: right;">Preparer's Initials <u>lau</u></div>

(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	No X	Rationale: No limitations to access sacred or any other sites would result from the proposed action. <div style="text-align: right;">Preparer's Initials <u> lau </u></div>
(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
Yes	No X	Rationale: A term and condition of the grant is to require all vegetative matter and soil be removed from all equipment prior to mobilizing on site. <div style="text-align: right;">Preparer's Initials <u> lau </u></div>
PART V. –COMPLIANCE REVIEW CONCLUSION I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. MITIGATION MEASURES/OTHER REMARKS: See Attached Stipulations <div style="margin-top: 20px;">/s/ Karen Simms, Acting Field Office Manager 06/23/2014</div> <div style="display: flex; justify-content: space-between;"> <div>APPROVING OFFICIAL: _____</div> <div>DATE: _____</div> </div> <div style="margin-top: 5px;">TITLE: _____</div>		

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.